

Athenaeus, *Deipnosophistae* 6.272c–273a

Every Roman is in possession of as many slaves as possible. Every single one of them owns ten thousand, twenty thousand, or even more. It is not for the income, as in the case of Nicias, the richest of Greeks [fifth century BC] – most of the Romans have the majority of their slaves as advance attendants. By contrast, most of the tens of thousands of slaves in Attica worked the mines in chains. Posidonius says that as a result, when they revolted, they killed the guards at the mine, but seized the fortifications at Sounion and plundered Attica for a long period. This was the time when the second slave uprising occurred in Sicily [104–101 BC]. Spartacus the gladiator, after escaping from the Italian city of Capua, attracted to him a great number of slaves [73–71 BC]: he was himself a slave, of Thracian race. He overran all of Italy for some time as many slaves poured in to join him each day. If he had not died in battle with Licinius Crassus, he would have caused our people considerable effort, as did Eumous in Sicily [135–132 BC].

5.2 Slaves custom-made for literary reference

Seneca the Younger, writing at the time of Nero, mocks the pretensions of a *parvenu*, Calvisius Sabinus. As the upper classes liked to pepper their dinner conversation with literary references and quotations (cf. Athenaeus, 5.1 above), Calvisius tried to emulate this behaviour, but his methods of doing so were regarded as extreme. Satellius Quadratus plays the role of the *parasitos* in this anecdote, the habitual dinner guest whose task it was to offer witty comment – here, at the expense of his host. (See Gowers 1993.)

The reference to the three names refers to the traditional naming practice at Rome: a first name (*praenomen*, e.g. Marcus), a clan name (*nomen*, e.g. Tullius), and a family name (*cognomen*, e.g. Cicero, distinguishing this group from other Tullii).

Seneca, *Letters* 27.5–8

We remember Calvisius Sabinus, the millionaire. He had the wealth and the intellect of an ex-slave: I've never seen a more disgustingly lucky individual. He had a memory that was so poor that he would forget the name of Odysseus, or Achilles, or Priam – characters whom he knew as well as we know our slave attendants. No geriatric name-keeper [*nomenclator*], who doesn't recall the three names but imposes them on somebody, ever ran through his greetings to the tribes of men as badly as Sabinus did with the Trojans and Greeks. All the same, he wanted to seem to be educated. So he thought up this shortcut: he bought slaves at great expense, one to recall Homer, another to recall Hesiod, and he assigned one to each of the nine lyric poets. There's no reason why you should be surprised that he

bought these at considerable cost: he couldn't hunt them up, but had to contract out their creation. After he had obtained this group of slaves, he started to bother his fellow diners. He used to keep the slaves at his feet: while he continually sought from them verses for quotation, he often forgot them in mid-line. Satellius Quadratus, who made a habit of dining out on the dumb rich and, as follows, of laughing along with them; and, the corollary of these two, of getting his laughs in against them, offered the suggestion that he should get table-cleaners trained as language-experts. When Sabinus said that each slave had cost him 100,000 sesterces, he declared, 'You could have bought as many cases of books for less.' Yet he was fixed in his belief that he knew what each person in his household knew. Satellius also started encouraging him to engage in wrestling, although he was sickly, pale, and weedy. When Sabinus answered, 'How can I? I can hardly stay alive,' he declared, 'Please, don't say that. Don't you see how many slaves of the sturdiest disposition you own?'

5.3 Over-reliance on slaves and freedmen (including doctors)

In a satirical entry in his encyclopaedia, Pliny the Elder mocks the arrival of the medical profession at Rome. Not only was the quality of service so poor that it might be joked that doctors were the Greeks' revenge for the Roman conquest, but the members of the profession were usually outsiders and often from the lower levels of society. Hence the concern at having to rely on their opinion, which is here contrasted with considered Roman judgement at the census or in legal matters. The reliance on slaves for transporting litters, for providing the names of clients (5.2 above), and for other daily services conflicted with ideas of self-reliance that were both part of the traditional Roman belief system (as seen in the works of the Elder Cato) and adopted from the Hellenistic schools of philosophy.

Pliny the Elder, *Natural History* 29.19

We still don't take any notice of this [i.e. doctors' tendency to kill their patients]: the sweetness of hope each has for his own life is so overpowering. Besides, there is no law that punishes fatal negligence and no precedent for legal redress. The doctors learn at our risk and carry out their tests by killing us – there is total immunity for a doctor to have merely killed a man. No, instead, the blame moves on and our intemperate lifestyle is censured: those who have died are attacked instead. Jury panels are scrutinised at imperial censuses for their lifestyle, inquiries are held within the household, judges are brought in from Cadiz and the pillars of Hercules to make commercial rulings, indeed in cases which might result in exile no vote is taken unless there are forty-five picked jurors. But they go off from

the judge, as others go out to consider their verdict, to start slaughtering strawhaway. And rightly so, given that none of us wishes to know what will cure him. We walk around on other folks' legs, we recognise each other through others' eyes, we greet each other through others' memory, and we live by others' efforts: natural effort and the proof that we're alive has disappeared. The only thing we keep for ourselves is our pleasures.

5.4 Cancellation of contract for raising a foundling slave (Alexandria, 5 BC)

Given the number of slaves required for work and display in the Roman world (estimates have placed the number of slaves in Italy as high as a third of the population), there was always a concern for replacement. Many might be house-born and trained in the *familia* (the *vernae*, who often record this status with pride); others might be enslaved in war or sold into the empire, probably as the result of inter-tribal conflict. From Egypt, we also have evidence of baby-farming: foundlings (exposed children who had been collected) might be raised by wet-nurses in expectation of later sale. The contract below annuls a contract between Harpocraton, the slave speculator, and Apollonias, who is engaged to raise the slave girl, Agalmation, for him.

Corpus Papyrorum Graecarum 1.11

To Protarchus from Harpocraton, of imperial employ, and from Apollonias daughter of Panotes with her guardian and fiancé, Chaeremon, son of Petesis. Since Harpocraton happens to have given to Apollonia the foundling slave of his who is still breastfeeding, named Agalmation [Statuette], to be nursed by Apollonia herself by her own milk for the agreed time and, since before the weaning of the slave named Agalmation had been completed, Apollonia's milk has dried up, we have come to an agreement among ourselves on these terms: Apollonia has been paid in full by Harpocraton, both by direct payment from his estate and partially from the bank for the nursing costs of eight months and will make no claim on Harpocraton for this in any fashion.

5.5 Sale of a slave (Egypt, AD 129)

Among the papyrus remains from Egypt are a number of receipts associated with the sale of slaves. As a major item, subject to sales tax, the transfer of slaves was recorded in the public archives, indicating the contract between the buyer and seller and guarantees given. In the following typical sale, a guarantee is given that the slave was acceptable at time of sale; if, however, she later turns out to have epilepsy or to be subject to a claim from a third party, the buyer may return her for a full refund.

Oxyrhynchus Papyrus 1.95

In the thirteenth year of the emperor Caesar Trajan Hadrian Augustus, 29 Pauni, in the city of Oxyrhynchus in the Thebaid. Agathos Daimon, also called Dionysius, son of Dionysius, grandson of Dionysius, whose mother is Hermione from the city of Oxyrhynchus agrees in public [lit. 'on the street'] with Gaius Julius Germanus, son of Gaius Julius Domitianus, that through this agreement, which was made by Agathos Daimon, also called Dionysius, with Julius Germanus on the twentieth day of the month Tubi of the thirteenth year [of Hadrian's reign] in progress, that he has witnessed the sale recorded in the handwriting of the purchaser, previously owned by Heracleides, also known as Theon Machon Sosicomeios, also known as Althaeus, of the slave, Dioscoroutes, approximately 25 years old, which then Julius Germanus received from him just as she was, free from defect, unless she has epilepsy or is subject to external claim, for the price of 1,200 minted drachmas, which at that time Agathos Daimon, also called Dionysius, received from Julius Germanus along with the handwritten bill of sale. From this Julius Germanus has paid out the cost of the education of that same slave Dioscoroutes on the third of the month Phanemoth of the same year, in accordance with the agreement made with him; the guarantee of the same slave Dioscoroutes in all respects is incumbent on Agathos Daimon, also called Dionysius: the handwritten bill of sale also covers this. If she happens to have epilepsy or have any other defect, Julius Germanus does not need [to retain the slave?] ...

5.6 Sale of a child slave

The following receipt, valid when registered in the local archive, shows that even very young slaves might be sold. The description of distinguishing features of the slave, along with guarantees, shows considerable similarity to contracts for the sale of farm animals. It is likely, in fact, that slave contracts, showing the sale of 'speaking tools' (*instrumenta vocalia*), were adapted from traditional practice with animals: see Litinas (1999), who discusses sales receipts that likewise record age, colour (cf. remarks on complexion in slave sale deeds), scars, and guarantees of freedom from disease.

Note too the common practice of having another write the receipt. This may not indicate that Libellatius is unable to read, but that he is uncertain about the proper form of the document and has chosen someone with knowledge in the area.

Bodleian Papyrus 1.44 (Egypt, AD 310)

I acknowledge that I have sold to you from now in perpetuity the female slave that I own [Name], who is at present 3 years old, honey-complexioned, at a price agreed between us of ... ty [i.e. 30–90] talents of silver coin, which I have received in hand in full here, in return for which [she will

remain with you and] you will have control and ownership of the purchased goods and the right to supervise and manage her however you like: I guarantee this in perpetuity.

This written contract with the signature of the person signing on my behalf shall be valid when lodged in the public archive [*demotia*] and, when asked, I have agreed that this is so.

In the consulship of Statius Andronicus and Pompeius Probus [AD 310], the most illustrious prefects of the sacred Praetorium . . .

I, Aurelius Libellarius, the aforementioned have [agreed to the sale of the aforementioned slave] and have received the aforementioned . . . talents of silver coin and will furnish to you every guarantee as aforesaid.

I, [. . .], ex-magistrate, have written this for him as he is illiterate.

5.7 Mandate empowering the sale of a slave

Whereas the slave sold above may have been a foundling, the following shows clearly the sale of a houseborn slave (*verna*) at a young age, via a third party.

Sammelbuch Griechischer Urkunden aus Aegypten 5.7573 (Egypt, AD 116)

In the twentieth year of the emperor Caesar Trajan Optimus Augustus Germanicus Dacicus Parthicus, 7 December, at [. . .] in the Thebaid, notarised by [. . .], son of Ammonius, and [. . .], son of Gaius.

Taverseious, daughter of Onnophris, whose mother is Tanese from Elephantine, for 41 drachmas agrees . . . , with Pachompaonnophres the priest of the great god Ammon acting as guardian, to appoint Pachompeteneophotes, son of Onnophris, whose mother comes from Tisa, the priest of the great goddess Isis, so he can be sent to sell the houseborn slave that she owns, named Narcissus, approximately 8 years old, with a scar on his right hand, the child of her slave that she owned and is now dead, Aphrodite. This is on condition that Pachompeteneophotes sells the slave Narcissus and hands over most of his sale price according to his agreement to Taverseious. He will be permitted to proceed with regard to the indicated slave as he wishes and whatever contract he concludes with regard to him will be valid as if she were also present.

5.8 Defects to be declared (or not) before the sale of slaves

The following extracts from the imperial jurists on the right of return of slaves and possible damages against the vendor throw considerable light on Roman society. What can and cannot be considered unhealthy, what activities indicate

unsatisfactory mental states, and what actions suggest a likely runaway or a potential truant are considered at some length. Slaves who flee to asylums or to a statue of the emperor are regarded as taking due advantage of the possibility of escape from mistreatment, not as runaways. The significance of nationality, the risks of purchasing a suicidal or felonious slave, the possibility of scams whereby the slave would run back to his original owner, and due respect for familial bonds even among slaves are other topics raised by these valuable passages.

Note, too, the Roman view of biology in 21.1.14.1, which follows the standard ancient view that women merely provided a fertile site for the development of the embryo that they receive from their male partners. In 21.1.23.3, the references to slave suicide suggest that this was not infrequent. This is supported by the provision in the contract for the Guild of Funeral Directors at Putefoli (see 5.13) that the body of a free man found hanging be removed within the hour, but a slave (male or female), 'if notification is received before the tenth hour, before the second hour on the following day'.

Digest 21.1

21.1.1. Ulpian, *On the Edict of the Curule Aediles*, Book 1. Labeo writes that the edict of the curule aediles applies to the sale of those things that are fixed as much as those that are movable or self-moving. 1. The aediles declare: 'Those who sell slaves should make the buyers aware of each's diseases and defects, which are runaways, which are truants, and which are subject to a claim for damages. They should announce all this openly and plainly when they sell the slaves. If a slave turns out otherwise or things turn out differently from what was said and promised when the sale was being made, we will pronounce as to what is owed in respect of the slave and we allow court action for the return of the slave to the buyer and all those affected by the affair. If the slave has in any respect been damaged after the sale and transfer through the actions of the buyer's household or his agent, or if anything has arisen or been acquired through him after the sale, or if anything else has been acquired in that sale or any profit from it is attained by the buyer, he should make restitution for all this. Likewise, if the seller has provided anything additional, he should get it back. Likewise, if a slave has committed a capital offence or done anything in a suicide attempt or has been presented in the arena to fight it out with the wild beasts, they should announce all this at the sale. So we will allow court action to the buyer in these cases. In addition, if anyone be said to have made a sale contrary to these provisions knowingly and with malice aforethought, we will allow a court action.'

2. The reason for posting this edict is to block the cheating of sellers and assist buyers who might be cheated by the sellers, to the extent that the seller should be obligated by the edict even if he did not know what the aediles order to be made public. This is perfectly fair: the seller could

21.1.8. If anyone's tongue has been cut out, there is a question over whether he seems healthy. This inquiry occurs in Offilius, raised in his case over a horse: he says it doesn't seem healthy to him ...

21.1.11. Paul, *To Sabinius*, Book 11. A man who lacks a tooth is not diseased, for a majority of men lack one tooth or other and are not diseased because of it: particularly when we are born without teeth and not thus less healthy until we have teeth. Otherwise, no old person would be healthy.

21.1.12. 3. It should also be known that a left-handed person is not diseased or faulty, except if he uses the left hand by preference because of weakness in the right one. This person is not left-handed, but maimed. 4. There has been a query over whether the man whose breath smells is healthy. Trebanius says it is not unhealthy for anyone's breath to smell, just as with a person who smells like a goat or a squint-eyed person, for that is the result of the lack of oral hygiene. If that occurred from a physical fault, such as from an illness of the liver, lung, or something else, he is diseased.

21.1.14. There is a question about a woman who always produces stillbirths as to whether she is diseased. Sabinus says that, if this occurs by a fault of her vulva, then she is diseased. 1. If a woman is sold who is pregnant, everyone agrees that she is healthy, since it is the greatest and particular duty of women to receive and foster the embryo. 2. Childbirth is also healthy so long as nothing external to this occurs that disposes her body to any sickness. 3. Caelius says that Trebatius distinguished the cases of the infertile woman: if she is naturally infertile, she is healthy, if by a physical fault, the opposite is true. 4. There is also a query about a bed-wetter. Perdus says he is not unhealthy because of that if he urinates in the bed when overcome in a drunken stupor or even because he cannot be bothered to get up; but if from a bladder disease he cannot hold on to the collected water, he can be returned – not because he is a bed-wetter, but because he has a diseased bladder ... 9. If a seller makes an express exception about a disease and says or promises that the slave is healthy in other respects, the agreement must be kept to (a chance to change their minds must not be given to those who have waived their legal rights) unless the seller knowingly and deliberately kept silent about a disease. 10. If a disease is not specifically excepted, but is such a disease that it could be apparent to anyone (think of a blind man on sale or one who had an obvious scar from a life-threatening experience on his head or some other part of the body), Caecilius says that the seller cannot be held accountable for this reason – it is just the same as if the disease was expressly excepted. It must be agreed that the *aediles'* edict applies to those diseases and faults of which anyone has been unaware or could have been unaware ...

21.1.15. Paul, *To Sabinius*, Book 11. A woman who menstruates twice a month is not healthy, just as one who does not menstruate at all, unless that is the result of age ...

21.1.17. Offilius defines what a runaway is. A runaway is one who, in order to hide himself from his master, remains outside his master's house for the purpose of flight. 1. Caelius in addition says that a runaway is one who departs with the intention of not returning to his master, even if he changes his mind and returns to him: no one stops being guilty of such a crime by a change of heart, he says. 2. Cassius also writes that a runaway is one who leaves his master with deliberate intent. 3. Likewise in Vivianus the opinion is offered that a runaway is generally to be understood from his state of mind, not just from flight: for the man who flees from the enemy or a brigand or fire or building collapse, even though it is a fact that he fled, is not, however, a runaway. Likewise, not even the slave, who has fled from the instructor to whom he has been entrusted for learning a skill, is a runaway, if he happens to be fleeing because he is treating him harshly. The same holds if a slave flees from someone to whom he has been loaned, if he flees for the same reason. Vivianus gives the same judgement if he is viciously treated. This applies if the slave flees these types and returns to his master; if he does not return to his master, he says he is clearly a runaway without any doubt. 4. When the problem was raised, Proculus said the same about a slave who hides at the house for the apparent purpose of escaping when he gains a chance of fleeing. He says that, although he could not be seen to be fleeing if he remained at the house, still he had been a runaway – except that if he had only hidden until his master's anger had subsided, he was not a runaway, no more than he who, when he saw that his master wished to have him whipped, rushed off to a friend to have him intercede on his behalf. Not even that slave is a runaway who has gone as far as to throw himself from a height – he had instead intended to commit suicide (though you might call a slave a runaway who had climbed to a high place in the house in order to leap from there). Proculus also says that what the ignorant say, that the slave who leaves the house at night without any permission from his master is a runaway, is wrong: this should be assessed according to the intent of each. 5. Vivianus also says that, if a slave leaves his master and returns to his mother and there is a question as to whether he is a runaway, if he acted to hide so he could avoid returning to his master, he is a runaway; but, if the reason was to be more readily excused for some mistake through his mother's intercession, he is not a runaway. 6. Caelius also writes that, if you buy a slave who has thrown himself into the Tiber, so long as he left his master with the intention of killing himself, he is not a runaway; but if he first had the intention of fleeing, then changed his mind and threw himself into the Tiber, he remains a runaway. He makes the same decision as well about a slave who has thrown himself from a

bridge. All these decisions as provided by Caelius are correct. 7. He also says that, if your slave runs away and takes his underslave [*uicarius*] with him, and if the underslave follows unwillingly or in ignorance and does not make use of a chance given of returning to you, he does not appear to be a runaway. But if, early on when he was running away, he understood what was happening or afterwards recognised what had happened and did not want to return to you when he could, the opposite is the case. He thinks the same decision should be made about a slave whom a kidnapper has abducted. 8. Caelius also says that, if a slave on a farm leaves the farmhouse with the intention of fleeing and someone catches him before he has left the farm, he is clearly a runaway, as his intent was to act as a runaway. 9. He also says that a slave who goes one or two steps or just starts to run away, if he cannot escape his master in pursuit, must be a runaway. 10. He also rightly says that fleeing is a form of freedom of a sort, that is, being free from one's master's control for the moment. 11. A slave given as a surety has the debtor as his owner; but, if he escapes after the creditor exercises his rights over him, he can be regarded as a runaway. 12. Labeo and Caelius raise the question whether, if a slave takes refuge in an asylum or makes for a place where those who demand to be sold off to another master are sold off, he is a runaway. I think he isn't a runaway: he is doing what is generally considered permissible to do. I do not even think the slave who takes refuge at a statue of the emperor is a runaway, since he did not do this with the intention of fleeing. I have the same opinion about the slave who has taken refuge in an asylum or anywhere else, because he has not done this with the intention of fleeing. If, however, he first ran away and afterwards took refuge, he does not any less continue to be a runaway. 13. Likewise Caelius writes that he is of the opinion that the slave is also a runaway who goes to a place where his master cannot recover him and is all the more a runaway if he goes to a place from where he cannot be seized. 14. Labeo defines a truant as a minor runaway, and, conversely, a runaway as a major truant. But we duly define truant as follows: a slave who indeed is not in flight, but regularly wanders around without a reason and having spent the time on unimportant matters comes back to the household late.

21.1.18. Gaius, *On the Edict of the Curule Aediles*, Book 1. If a seller declares something about a slave for sale and the buyer complains that this is not so, he can bring an action for return of goods or for reckoning of the value of the goods (that is, how much less they are actually worth). For example, if the seller declares that the slave is diligent and hard-working or speedy and industrious or that he gained his *peculium* from his own thriftiness and, on the contrary, he turns out to be fickle, mischievous, lazy, inattentive, slow, idle, and wasteful. All this seems to indicate that one should not demand precisely what the seller declares, but allow for some

latitude: if he happens to declare that he is diligent, the extreme self-control and restraint of a philosopher should not be looked for; if he declares he is hard-working and industrious, we don't require constant effort day and night from him, but all this should be looked for to a decent extent, reasonably and fairly. We will consider the same to hold about the other things the seller declares. 1. A seller, who says the slave is the finest of cooks, ought to provide one who is top quality in that skill; but one who instead simply says he is a cook, is seen to satisfy that condition even if he provides an average cook. The same goes for other types of skills. 2. Likewise, if anyone simply says the slave has acquired a *peculium*, it is sufficient if he had even the smallest *peculium*.

21.1.19. Ulpian, *On the Edict of the Curule Aediles*, Book 1. It should be realised that there are things that one does not need to provide, if one has said that they are so: certainly this is the case for those things that involve the pure praise of a slave, such as saying he is thrifty, trustworthy, and obedient. For, as Pedius writes, there is a great difference between whether a seller says something to praise a slave or really promises to provide what he has said . . .

21.1.23. 2. [While the return of the slave will normally restore the position of the parties before the sale,] an exception is made for the case of a slave committing a capital offence. To commit a capital offence is wrongfully to commit any such offence as would be punished with the death penalty. In old times they used to put down 'offence', when they meant 'penalty'. We will allow that a capital offence has been committed if it is done with malice aforethought and from wickedness; if anyone does anything mistakenly or accidentally, the edict does not apply. 3. An exception is also made in the case of a slave who has acted in order to bring about his own death. He is considered to be a bad slave when he has done something to remove himself from this world, such as readying a noose or drinking medicine to poison himself or hurling himself from a height or doing anything else after which he hopes that death will result – since he will venture to do anything against another who has dared to do this to himself . . .

21.1.31. 21. Those who sell slaves ought to announce their race at the sale, as the race of a slave generally either encourages or warns off the buyer. So it is important that we know the race, since it is a presumption that some slaves are good, because they are of a respectable race, while others appear bad, because they belong to a less respectable race. But, if there is no such mention of race, an action will be allowed to the buyer and all interested parties for the seller to return the slave . . .

21.1.35. Generally in the case of diseased slaves, healthy slaves are returned as well if they cannot be separated without considerable trouble or without

offending feelings of respectability. How about the case where the buyers would prefer to return the parents but retain the son, or vice versa? The same decision ought to be followed in the case of brothers and those linked together in a *de facto* relationship . . .

21.1.43. Paul, *On the Edict of the Curule Aediles*, Book 1. 1. A slave who takes refuge with a friend of his master to beg forgiveness is not a runaway. In fact, even if he intended not to return home if he did not gain assistance, he is not yet a runaway, because running away is a term not merely for a plan, but also involving a deed. 2. Someone who leaves his master on another's persuasion is a runaway, even if he would not have done that without the advice of the person who persuaded him. 3. If my slave who was in service to you in good faith ran away, whether knowing he was my property or not, he is a runaway, unless he did that with the intention of returning to me. 4. A slave is suicidal if he wants to kill himself because of his wickedness and evil character or because he has committed some crime, but not if he does that because he cannot endure some bodily pain . . .

21.1.51. Africanus, *On Inquiries*, Book 8. When a slave buys a diseased or faulty slave and his master is seeking return of goods or an action with regard to sale, he says that it is totally the knowledge of the slave, not the master, that must be considered. It makes no difference whether he has bought with his own funds or in his master's name, or with specific or general instructions from him, because it is in accord with the principle of good faith that, if the slave, through whom the transaction has taken place, has not been deceived, then his mistake in making the agreement should be suffered by his master. But, if the slave on his master's instructions buys a person whom his master knows to have faults, the seller will not be bound by the edict.

21.1.58. Paul, *Responses*, Book 5. 2. I bought a slave for twice his value who ran away, taking goods belonging to me with him. Later, when he was found and asked in front of respectable witnesses whether he had fled to the seller's house, he replied that he had done so. I raise the query as to whether the slave's reply should be accepted. Paul replied: if other evidence for previous running away exists, then the slave's reply should be credited.

21.1.65. Venuleius, *Actions*, Book 5. It is a fault of the mind rather than the body, if a slave continually wants to sit and watch the games or carefully look at paintings or if he is a liar or suffers from similar faults. 1. Whenever a disease is called serious, Cassius says that indicates one that is damaging; furthermore, damaging is understood as whatever is continuing, not something that is temporary. Any disease that occurs to someone after birth can appear as serious – serious meaning harmful. 2. A slave can be called

either experienced or a newcomer. But Caelius says that 'experienced' should not be judged by length of service, but by type and case. So, someone bought from a market for new slaves and put in charge of a duty is immediately one of the experienced. 'Newcomer' is understood not by a lack of education, but in respect to the condition of slavery. So it would be irrelevant whether a slave knew Latin or not – for if he had been educated, he would, following that logic, be one of the experienced.

5.9 A public notice of a missing slave

Notices from Egypt together with Roman legal sources suggest that it was not uncommon for slaves to run away. Likewise, Paul, *To Philemon*, shows the apostle intervening on behalf of a slave who has taken refuge with him. Public notices offer detailed descriptions of missing slaves (in this case, including verging on the insulting) along with offers of rewards. It may be assumed that such slaves felt that they would readily fit in with the society around them and that they could easily pass as free or as working independent of their owner.

Oxyrhynchus Papyrus 51.3617 (Egypt, third century AD)

[A reward is available if anyone finds X] an Egyptian from the nome of Athreibites, who does not know Greek, [and is] tall, thin, bald-headed, with a scar on the left side of his head, of olive complexion, jaundiced, thinly bearded and having no hair at all on his chin, smooth-skinned, narrow-jawed, with a long nose, a weaver by trade, who walks around like he's somebody, rambling on in a high-pitched voice. He is about 32 years old. He is wearing a brightly coloured cloak.

5.10 Runaway slaves: the action for making slaves worse and recovery of slaves

Given the importance of slavery in Roman society, it was important that slaves be kept under control. This meant discouraging them from running away, preventing others from sheltering them, and penalising those who might exert a bad influence over others' slaves (hence the action for ruining a slave). The number of ways a slave might 'go bad' indicates how much independence slaves might have, especially in an urban environment, and their ability to use their *peculium* (see 5.29). The search for an escapee involves questions of trespass onto other's property and needed to be carefully controlled. Measures also needed to be put in place to hold runaways and return them to their owners – even if they had been performing at the games (and so might have considerable public support). In particular, slaves who passed for free men were to be particularly severely dealt with as undermining the social boundaries between free and servile

to indicate slaves subject to import taxes and who were marked out for other purposes too). These collars seem to have become particularly common in late antiquity, when the church frowned on disfiguration of slaves, but not their ownership. Simple collars (5.12a) indicate only that the slave is a runaway; more usefully, others indicate the owner and where to return the slave (cf. 5.11 above).

Inscriptiones Latinae Selectae 9454, 9455,
L'Année Epigraphique 1946, no. 211, *Corpus Inscriptionum*
Latinarum 15.7192 (a, c-d: Rome, b: N. Africa;
 fourth century AD)

- (a) T.M.Q.F. [*tene me quia fugi*] = 'Grab me, I'm a runaway,'
- (b) 'I'm an] adulterous whore; grab me, I'm a runaway from Bulla Regia,'
- (c) 'Grab me, I'm a runaway, and recall me to my master the eminent senator [*vir clarissimus*] Cethegus at the Libanian market in the third region [of Rome].'
- (d) 'Grab me, I'm a runaway, and recall me to Victor the acolyte at the church of Saint Clemens.'

5.13 A contracting service for the punishment of slaves

At Puteoli, the main port of Italy, close to Naples, the contract for removing dead bodies from the city, conducting public funerals, and dealing with punishment of slaves was carried out by a workforce attached to a site sacred to the goddess of death, Libitina. These workers were restricted in their movements inside the city, due to their pollution from handling dead bodies, but this made them very suitable for inflicting torture (cf. 5.15) or capital punishment, either on behalf of the owners or at the command of the magistrates.

Note the specifications for the physical suitability of the workmen.

Inscription from Puteoli, 'On the Public Funeral Service',
L'Année Epigraphique 1971, no.88

... The workmen assigned to the task should not live in the tower where the grove of Libitina is today. They should bathe after the first hour of night. They should not come to town except to pick up or dispose of the dead or to inflict punishment. If any of them come in, whenever he enters town or is in it, he should have a coloured cap on his head. None of them should be over 50 years old, or under 20. They should not have sores, be one-eyed, crippled in the hand, lame, blind, or tattooed. The employer should not have fewer than thirty-two workmen.

If someone wants to inflict punishment on a male or female slave privately, he will get the punishment inflicted according to his wishes. If he wants to affix the slave to a cross or gibbet, the contractor should provide planks, chains, and ropes for the whippers and provide the whippers. Whoever

inflicts such punishment will owe the sum of 4 sesterces to each of the workmen who carry the gibbet, and to each of the whippers, and also to the executioner.

Whenever the magistrates inflict punishment publicly and give the order, whenever the order goes out, the contractor must be ready to inflict the punishment, to set up the crosses, and he must offer for free nails, pitch, wax, tapers, and whatever are needed for dealing with the condemned. If he is ordered to drag off the body with a hook, a workman dressed in red will drag off the body, or several bodies, to the ringing of bells ...

5.14 The murder of the city prefect and punishment of his slaves

The killing of the city prefect, Pedanius, in AD 61 and its aftermath, the execution of his slave household, was spectacular because of both the rank of the victim and the sheer number of those punished (if the figure of 400 slaves was regular among senatorial households, this would suggest 200,000 slaves in the capital belonging to this group alone). Tacitus' account makes clear the widespread sympathy of the Roman population, many of whom would have known members of the *familia*.

The two possible explanations for the killing are instructive: the favourable view is that this is a case of self-purchased manumission gone wrong (see 5.29); the negative case is that the slave saw the master as a rival in a love affair (cf. the case of the slave embezzler in *Digest* 11.3.16 – 5.10 above). Gaius Cassius' speech, with its upper-class fear of slave rebellion, bears careful comparison with the attitudes of the jurists (5.15). It is probably intended to be reactionary in tone, with jibes at slave behaviour. For instance, the reference to inherited wealth and ancestral property (playing on the ambiguity of the word *marcipium*, which could be either goods or a slave) highlights a slave's legal lack of ancestry. The suggestion that there must have been some forwarning plays on two slave stereotypes: that they were loquacious and that they would normally be cowardly (so a bold stance would serve as a warning).

Tacitus, *Annals* 14.42–5

Not long after this, the city prefect Pedanius Secundus was killed by one of his own slaves, either because he refused to free him after having agreed on a price for liberation, or because the slave was in love with a male prostitute and could not bear having his master as a rival. But, since by ancient custom the entire household that lived under the same roof should be led off for execution, the populace flocked to protect the large number of the innocent and things reached a state of revolution. The senate was besieged: inside they had the support of some who rejected this excessive harshness, while the majority thought that there was no need of change. One of the latter was Gaius Cassius who offered his opinion along these lines:

to the praetor's Edict or is said to have done anything else [illegal]. As is apparent from what has previously been said, there are numerous activities that result in punishment under the Edict. It is clear that this is an action open to everyone, whose penalty could be as much as a hundred gold pieces from the goods of the condemned. From this sum the praetor promises that he will give as a reward half to the person by whose effort the [guilty party] was convicted, and will confiscate the other half to the public treasury.

29.5.26. Scaevola, *Digest*, Book 34. Joe Bloggs owed John Doe a trust from the will of his cousin; John Doe received this from Bloggs' heirs. The question raised is: when Joe Bloggs' heirs had not avenged his death, can Doe nevertheless lodge an accusation against those heirs as unworthy, because of the fact that they did not avenge his death, and nothing prevent him from receiving the trust from them in accordance with the cousin's will? He replied that nothing had been brought up to prevent him doing this.

29.5.27. Callistratus, *On the Rights of the Treasury*, Book 1. If a will has been opened by several heirs, some of whom were unwilling or unaware of what was happening, those who are not to blame do not lose their share.

5.16 How to design a farm building for maximum efficiency from the workers

The Spaniard Columella's account of recommended farming practices, written in the time of Nero, provides an insight into upper-class attitudes to agriculture. The passage below recommends the siting of a typical villa to offer best comforts for the owner (this can be compared with Pliny the Younger's descriptions of his villas in his letters), but also that the work quarters be made the most practical. It is noticeable that the prescription for the slave's quarters is immediately followed by those for the (other) domestic animals and a concern that the steward be able to easily supervise the work and workers on the estate.

Note the description of the quarters of the chained slaves, the *ergastulum*, which are clearly unpleasant for the inhabitants, but healthy enough not to reduce their labour output.

Columella, *On Agriculture* 1.6

The nature and number of the parts should fit in with the overall farmstead and be divided into three types: the living quarters [*urbana*], the work quarters [*rustica*], and the storage quarters [*fructuaria*]. The living quarters should as well be divided into winter and summer quarters, with the winter sleeping quarters facing the midwinter solstice rising sun and the dining area facing the midday sun at the equinox. The summer sleeping quarters

should face the equinoctial midday sun, but the dining area should face the summer solstice rising sun. The baths should face the setting summer sun so they are lit from after noon to sunset. Porticoes should be aligned with the midday sun of the solstice so they receive the maximum sunlight in winter and the least possible amount in summer. A kitchen should be built in the work quarters of such size and height that the roof will escape the risk of fire and the slaves can hang around in it comfortably at any time of the year. For the slaves who circulate freely, their quarters are best facing the equinoctial midday sun; for the chained slaves there should be work quarters underground that will be quite healthy for the largest number to be expected and that should have narrow windows raised far enough from the ground that they cannot be reached by hands. The stables for the animals should not suffer from heat or cold: for the domestic herd of cattle there should be a summer and a winter shed; for the other animals that need to be inside the estate there should be quarters that are partially roofed and partially out in the open surrounded by high walls so that they can rest there in the first area in winter and in the latter area in summer, untroubled by attacks from wild animals. But these large stables should be so designed that water should not flow into them and that any waste that occurs there should flow away immediately in case the walls are undermined and the hooves of the animals rot. The sheds for the oxen should be 10 or at minimum 9 feet wide – this size will give ready opportunity for the oxen to undergo the yoke and for the ox-keeper to get around them. The steward's quarters should be next to the entrance so that he can see who is entering and leaving; and the agent's quarters should be above the entrance for the same reason – besides, he should keep an eye on the steward from nearby and the storehouse should be near both. All the farm tools should be collected here and inside it there should be an enclosed place for the safeguarding of iron implements. The rooms of the cowherds and shepherds should be near their herds so that they can easily go out to look after them. All should, however, live as close as possible to one another so that the steward's attentiveness is not reduced by making his rounds about widely separated places and so that they should all be witnesses of each other's hard work or laziness.

5.17 A successful freed family

This inscription honouring the ex-imperial slave, Secundus (who has adopted the first two names from his owner, the emperor, on manumission), suggests that he has married another member of the imperial household and that the pair had obtained considerable wealth to afford to erect a tomb for them both and their own slaves and freedmen and descendants.

Note the message of hedonism, an appropriate reminder to 'Seize the day', given that death awaits.

Inscriptiones Latinae Selectae 8157
(Rome, Julio-Claudian period)

To the spirit of Tiberius Claudius Secundus, who lived for 52 years. Here he has everything with him. Baths, wine, and sex wreck our bodies, but baths, wine, and sex make life worth living. Merope, the freedwoman of Caesar, built this tomb for her dear companion, herself, her household, and their descendants.

5.18 Pliny's treatment of his slaves

It is important to remember that most slaves would not have been as successful as Secundus (cf. above 5.17). Many would not have lived long enough to be freed, as is shown by Pliny the Younger's account of deaths among his household. His solution appears designed to improve the morale of his workers, by manumission just before their deaths (which would have cost him nothing) and by allowing the slaves to transfer their *peculium* within the household (again, not reducing the owner's overall wealth). The comment that slaves saw the household as a virtual homeland owes something to ancient philosophical theory, but is also likely to be true, given the loss of any other country on enslavement and the social bonds within the *familia*.

Pliny, *Letters* 8.16

I'm worn out by the illnesses of my slaves – and deaths as well, including those of some who were quite young. There are two forms of consolation that hardly match such grief, but are consolations nonetheless: one is the case of freeing slaves (it appears to me that I have not lost them totally prematurely if I have lost them now that they are free); the other that I allow my slaves also to make virtual wills and that I respect them as if they were legal provisions. They can leave legacies and ask that their wishes be carried out as they think right, while I obey as if under injunction. They can share out property, make gifts, and leave inheritances, so long as they stay within the household – for a slave the household is practically his state and a country of sorts. But, although I gain some peace from these consolations, I am weakened and broken in spirit by that same human kindness that led me to allow this very thing. Still I would not like to become more thick-skinned because of that. I am aware that others call events of this sort nothing other than a loss, and so think they are great and wise men. I don't know whether they are great and wise, but they are not men. A man should feel that he is affected by grief, to hold fast all the same and accept consolation, not have no need for it.

5.19 Manumission on the verge of death

This funerary inscription illustrates the practice recommended by Pliny above (5.18) and also (as with Pliny too) commemorates the mourning of the slaves' owner.

L'Année Epigraphique 1995 no. 665
(Milan, third–fourth century AD)

To the sacred spirits. I erected this while alive: L. Trebius Divus, dedicate this to Septicia Maura, my dearest wife, who lived with me 38 years, 5 months, and 14 days.

Here, where I have packed in my freedmen and they have gone to their destiny before me as my loss, here they lie taken by an undeserved death. Here lie four young slaves manumitted on the one day, with the wife dear to me: Lucius Trebius Chyseros, who lived 18 years, 5 months, 8 days; Benigna, who lived 5 years, 22 days; Felicitas, who lived 4 years, 2 months, 11 days; Postumia who lived 2 years, 8 days. Oh miserable me to have provided for so many cruel funerals. I weep night and day. After this, I cannot provide more for my household for my part apart from an eternal home. Oh what pain that forces a patron's heart to endure this. After this, my wife Flamia has been added. She is on the left; the freedmen are all on the same level on the right, below my first loyal wife. Friends who read this: now I foresee that day coming on which that cruel ruler will appear who will transport me to them.

5.20 A slave is given freedom and specified legacies in a will

Particularly common is the manumission of slaves after the death of the owner, since this involves no cost except to the heir. Note the reference that Psenamounis is literate – this allows a claim that he can write his own will without external assistance.

Papiri greci e latini (PSI) 9.1040 (probably AD 216/7)

The will of Psenamounis Harpocrates, son of Harpocrates, mother Thares from the city of Oxyrhynchus. Literate.

Psenamounis makes his son Aurelius Theodorus, the child of his now-deceased wife Diogenis from the same city, his heir.

Immediately on his death he frees Damais his slave girl, who is approximately 13 years old and releases her from her obligations to her patron and grants

her all her *peculium*. He also bequeaths to her control a quarter of the servant's accommodation that he possesses in the same city in the quarter of the theatre of Plautia along with all the household items and at the same time a bed with a mattress on top. This is on condition that she may not rent this out, except to the extent that she may rent it to my brother if she wishes.

5.21 The rules for manumission

The introductory legal handbook attributed to Gaius, apparently written in the late second century AD, offers a basic outline of the rules for freeing slaves. Some slaves (those assimilated to the previous 'surrendered foreigners') might never become Roman citizens; others, freed without undergoing all the legal requirements, will become 'Latins' (i.e. they will be in the position of earlier Roman colonists who lacked full citizen rights). Those in this last group are identifiable by not having the three names that full citizens possess (cf. 5.2 above). They can, however, become full citizens by marrying and having a child or by performing various public services.

Note the limitations placed by the emperor Augustus (via the *lex Furia Caninia*) on the number of slaves who might be manumitted under a will. Under the *lex Aelia Sentia*, slaves under 30 could not be manumitted without just cause, which would also limit the number of slaves who might be freed. But just cause includes marriage and the need to use an ex-slave as an agent (slaves, having no legal personality, could not normally create legal contracts on their masters' behalf) (1.19).

Also observe the relative ease of manumission before a magistrate, since this might occur simply in passing. This is further discussed in 5.23 below.

If the *Rules for the Undertakers of Puteoli* (5.13) paint a lurid picture of the punishment of slaves, the restrictions set out in Gaius 1.53 below suggest that mindless violence by owners against their slaves was not acceptable.

Gaius, *Institutes* 1.9–54

9. And indeed this is the basic division of the law of persons, that all men are either free or slaves. 10. Again, of free persons, some are freeborn, others freedmen. 11. Freeborn are those who were born free; freedmen are those who were manumitted from legitimate slavery. 12. Again, there are three types of freedmen: they are either classified as Roman citizens, Latins, or 'surrendered foreigners'. We will investigate each, but let's begin with the 'surrendered foreigners'.

13. Under the *lex Aelia Sentia*, slaves who have been chained by their masters as a punishment, or who have been branded, or who have been questioned under torture because of some felony and have been found guilty

of that felony, or who have been handed over to fight as gladiators or with the beasts and have been placed in a gladiatorial school or prison, and have afterwards been manumitted by that same or a different master, when freed are of the same status as 'surrendered foreigners'. 14. We call 'surrendered foreigners' [*peregrini dediticii*] those who previously had taken up arms and fought against the Roman people, then were defeated and surrendered. 15. So slaves who have undergone this disgrace, in whatever way and at whatever age they are manumitted, even if their masters had absolute rights over them, will never be said to become Roman citizens or Latins, but will be understood to be totally fixed in the ranks of the surrendered. 16. If in fact a slave is in no such state of dishonour, we will say that when he is manumitted he becomes either a Roman citizen or a Latin. 17. For if these three requirements are met in his person – that he is over 30 years old and he is freed under the Roman legal right of his master and by a legitimate and legal form of manumission, he becomes a Roman citizen. But if in fact any of these is lacking, he will be a Latin.

18. That there is a requirement about the age of a slave was brought in by the *lex Aelia Sentia*. For that law wants slaves under 30 years old who are manumitted not to become Roman citizens unless they are freed by a ceremonial assertion of liberty [*vindicta*] after a legitimate claim for manumission has been accepted by an advisory council. 19. A legitimate cause of manumission is, for instance, if someone manumits before the advisory council [*consilium*] a son or daughter or natural brother or sister or foster-child or pedagogue or a slave in order to have an agent [to represent him] or a female slave to marry her. 20. They use as a council at Rome five senators and five Roman knights of adult age; in the provinces, however, they use twenty Roman citizen assessors [*recipratores*]. That happens [in the provinces] on the last day of the assizes; but at Rome slaves are manumitted before the council on fixed days. 21. But slaves over 30 years old are regularly manumitted at any time and are even manumitted in passing – for instance, when the praetor or governor goes to the baths or the theatre. In addition, a slave freed under 30 years old can be a Roman citizen if he has been left free and made his heir by his master, who is bankrupt ...

22. [Otherwise?] they are called Junian Latins: Latins, because they are assimilated to the Latins in the colonies; Junian, because they have gained freedom under the Junian law, although they appeared to be slaves at one time. 23. Still the Junian law does not permit them to make a will or accept an inheritance from someone else's will or to serve as guardians for an inheritance. 24. Given that we said that they cannot inherit under a will, we mean this: we are saying that they cannot inherit anything under the strict definition of inheritance or bequest, but they can accept a bequest through a trust. 25. But those who are counted as surrendered [*dediticii*]

cannot give freedom to a slave. 41. And, although a master under 20 might like to create a Latin, nevertheless he is obliged to prove his case before an advisory council and so afterwards manumit in the presence of friends.

42. In addition, by the *lex Fufia Caninia* a fixed limit is set for freeing slaves in one's will. 43. Permission is given for someone who has more than two, but fewer than ten, slaves to manumit up to half of them; but, for someone who has more than ten, but no more than thirty slaves, to manumit up to a third of that number; yet for someone who has more than thirty, but no more than a hundred to manumit up to a quarter. Finally permission is given for someone who has more than a hundred, but not more than five hundred, to manumit no more than a fifth of them. No account is taken of someone having more than five hundred for the fraction of that number to be fixed; but the law prescribes that no one is allowed to free more than a hundred slaves. But, if someone has one or two slaves in total, that does not fall under this law and so he has unrestricted power of freeing them. 44. And this law does not in any way affect those who manumit slaves apart from by their will. So those who free slaves by assertion of liberty or at the census or among friends are allowed to free their whole family – so long as, of course, no other reason stands in the way of their freedom. 45. But we understand what we have stated about the number of slaves who may be manumitted that no fewer are permitted to be manumitted from that number, from which half, a third, a quarter, or a fifth can be freed, than permitted from the previous number. For it would clearly be ridiculous if a master was allowed to free five out of ten slaves because he was permitted to manumit up to half of that number, but someone having twelve slaves was not allowed to manumit more than four...

46. For, if freedom was granted in a will to slaves by a circular list, because no set order of manumission can be found, none will be free, because the *lex Fufia Caninia* annuls any actions committed to evade its provisions. There are even particular senatorial resolutions through which those schemes are annulled that have been thought up to evade that law. 47. Overall, this must be known: the provision of the *lex Aelia Sentia* that those who are manumitted to defraud creditors do not become free also applies to foreigners, but the other rights under that law do not apply to foreigners.

48. Another distinction follows regarding the law of persons. Some persons act under their own free will [*sui iuris*], others are subject to others' will [*alieno iuri*]. 49. Again, of those persons who are subject to others' will, some are in the power of others [*in potestate*], others under their control [*in manu*], others part of their property [*in mancipio*]. 50. Let us now look at those who are subject to others' power. For, once we have recognised

who those persons are, we will at the same time understand who act under their own free will. 51. First let us glance at those who are under others' power.

52. So, slaves are in the power of their masters. Indeed this power is part of universal law [*ius gentium*], for in all peoples equally we can note masters having the power of life and death over their slaves and that whatever is acquired by a slave is acquired by the master. 53. But at this time neither Roman citizens nor any other people who are under Roman rule are allowed to act cruelly without limitation or without reason against their slaves. For, by legislation of the most sacred emperor Hadrian, anyone who kills his slave without reason is subject to the same provisions as if he had killed someone else's slave. Also aggravated cruelty by masters is checked by this same legislation. For, when some provincial governors queried him about slaves who take refuge at the shrines of the gods or at statues of the emperors, he gave instructions that, if the cruelty of their masters appears unbearable, they should be forced to sell their slaves. In both cases, the result is right: for we ought not to misuse our free will (for this reason, the hopelessly extravagant [*prodigi*] are forbidden to administer their property). 54. But, among Roman citizens there is a double form of ownership (for a slave is understood as belonging to someone as (1) being in his possessions or (2) from citizen rights¹ or (3) from both of these). So, finally, we say a slave is in his master's power if he is among his possessions, although at the same time he might not belong to him through citizen rights. The person who simply has citizen rights over a slave, is not regarded as having actual power over the slave.

¹ *ius Quiritium*, i.e. having rights to property that have not yet been extinguished by an appropriate Roman legal method. So simple sale would not extinguish the former owner's power (*potestas*) over a slave, although in practice it would have this effect.

5.22 Manumission record

In order to safeguard the future liberty of a slave, it would be helpful to follow due procedure for manumission (here by *vindicta*, before a council of three *agoranomoi* (market officials)) and have the full details of the case recorded. In this case, the freed slave has been jointly owned and so there has been more than one manumission ceremony to achieve her freedom.

Oxyrhynchus Papyrus 4.722 (AD 91)

In the tenth year of the emperor Caesar Domitianus Augustus Germanicus, 6th of the intercalary month Hyperbeteaeus, the imperial holiday (the

16. Paul, *On the Edict*, Book 40. A freedman owes the provision of work [*operae*] in that trade that he has learnt after his manumission, if it is of a type that can be offered respectably and without imperilling his life, rather than always the work that he owed at the time of manumission. But, if he starts to practice a shameful type of work afterwards, he ought to provide the work that he offered at the time of manumission. 1. Such work owed is given to the ex-master [*patronus*] as ought to be assessed as suitable according to age, status [*dignitas*], health, need, promises, and other considerations of this type for each of the persons involved.

17. Paul, *On the Rights of Patronage*, the one book. An ex-master should not be granted a hearing if he demands work that would be rejected on grounds of age or cannot be undertaken because of physical weakness or that would harm the manner or pattern of the client's life.

34. Pomponius, *To Quintus Mucius*, Book 22. It should be known that sometimes the duties of work owed can be reduced, increased, or changed. So, when a freedman is ill, the work owed to his patron, including that which had already begun, is cancelled. If a freedwoman who promises her work rises to such a status that it would be undignified for her to offer work to her patron, the work is terminated on the basis of equity [*ipso iure*].

35. Paul, *On the lex Iulia et Papia*, Book 2. A freedwoman over 50 is not compelled to offer work to her patron.

38. Callistratus, *The Monitorial Edict*, Book 3. In summary: work duties [*operae*] imposed are understood to be those that can be offered without shame and without peril of life. So, if a prostitute [*meretrix*] was manumitted, she ought not to provide the same services [*operae*] to her patron, even if she still earns her living by her body. Nor should a participant in the games [*harenarius*] who is manumitted offer work of this type, because it cannot be provided without risk to one's life.

45. Scaevola, *Replies*, Book 2. Could the freedman of a clothing manufacturer carry on the same business in the same town and same place against his master's will? He replied there was no reason given why he could not, if the patron suffered no harm from this.

46. Valens, *Trusts*, Book 5. If a freedwoman was in a relationship with her patron equivalent to being married to him, it is agreed that he ought not to be allowed to sue her for services owed.

5.29 The rights of a slave to use his *peculium*, even to acquire his freedom

Slavery at Rome is unusual in that slaves were allowed to possess working capital (either money or property), the *peculium*. This recognition of 'pocket-money' appears to have been originally instituted to allow sons whose fathers were alive, and as *paterfamilias* possessed full power over them, to operate independently and was extended to other members of the household. This *peculium* would revert to the owner on the slave's death, but might be used earlier to 'purchase' freedom. This involved a legal fiction, since slaves, lacking legal identity, could not purchase their own freedom; but, in practice, it was sufficiently common to be granted legal protection. A possible worst-case scenario resulting from this practice has already been seen in the case of the urban prefect, Pedanius (5.14 above).

Digest 33.8.19, 40.1.4-5

33.8.19. Papinian, *Replies*, Book 7. When a master wishes to free a slave, he orders him to give an account of his *peculium* and after this the slave receives his freedom. It is clear that anything in the *peculium* that has not been listed in the account does not appear to have been tacitly granted to the freed slave.

40.1.4. Ulpian, *Matters of Argument*, Book 6. A slave who is bought with his own money is changed, under a letter of the deified brothers to Urbicus Maximus, to a status whereby he gains his freedom. 1. First, he does not seem properly described as having been bought by his own money, since a slave cannot have money of his own; but, with a nod and a wink, it should be believed that he was bought by his own money, since he is not purchased by the money of the person who bought him. So, whether he was bought out of his own *peculium* (which is a matter for the seller), or from chance profit, or even by the help and generosity of a friend or by the slave himself offering an advance or promising to pay the money back or by standing surety for accepting the debt, he should be believed to have been bought by his own money. It is sufficient that the person who lends his name to the sale does not spend any of his own money. 2. If he is bought by an outsider, but afterwards he presents his own price, the judgement must be that he should not be granted a hearing: this ought to be dealt with from the beginning, so that the purchase turns out to be fictitious and that it is a case of an arrangement between buyer and slave based on good faith....

5. Marcianus, *Institutes*, Book 2. If someone says he has been bought by his money, he can remain with his master, on whose honesty he has relied, and lodge a complaint on the grounds that he was not manumitted by him

– at Rome, with the Urban Prefect; in the provinces, with the governors – in accordance with the imperial precedents [*constitutiones*] of the deified brothers. However, there is this injunction: a slave who brings this case and does not succeed will be handed over to the mines unless his master happens to prefer to receive him back and the penalty he would fix because of this case is no heavier [than being sent to the mines].

REFERENCES AND FURTHER READING

- Bradley, K. (1989) *Slavery and Rebellion in the Roman World*, Bloomington, IN.
 Bradley, K. (1994) *Slavery and Society at Rome*, Cambridge.
 Fitzgerald, W. (2000) *Slavery and the Roman Literary Imagination*, Cambridge.
 Gowers, E. (1993) *The Loaded Table: Representations of Food in Roman Literature*, Oxford.
 Harris, W.V. (1980) 'Towards a Study of the Roman Slave Trade', in D'Arms, J.H. and Kopf, E.C. (eds) *The Seaborne Commerce of Ancient Rome*, Rome, pp. 117–40.
 Litinas, N. (1999) 'P. Lond. 111 1128: Sale of a Donkey', *Zeitschrift für Papyrologie und Epigraphik* 124: 195–204.
 Patterson, O. (1982) *Slavery and Social Death*, Cambridge.
 Scheidel, W. (1997) 'Quantifying the Sources of Slaves in the Early Roman Empire', *Journal of Roman Studies* 87: 156–69.
 Scheidel, W. (2005) 'Human Mobility in Roman Italy II: The Slave Population', *Journal of Roman Studies* 95: 64–79.
 Watson, A. (1987) *Roman Slave Law*, Baltimore, MD.
 Weaver, P.R.C. (1972) *Familia Caesaris*, Cambridge.
 Wiedemann, T. (1985) 'The Regularity of Manumission at Rome', *Classical Quarterly* 35: 162–75.
 Wiedemann, T. (1987) *Slavery, Greece and Rome* New Surveys in the Classics, 19, Oxford.

6

POVERTY

One's opportunities in life in the ancient world differed markedly depending on whether one was a member of the group of the wealthy and respectable or in the much larger group described as the 'humble' or the poor (see Chapter 1). This basic division into two classes underlies, for example, the interpretation of the probable outcome of dreams (6.1). But as 'poor' is simply a relative term in comparison with the 'rich', it covers a wide range from people whom we might consider well off (for instance, the satirist Juvenal talking about himself), to craftsmen and vendors (*pauperes*), to the completely indigent (*egenti*). The latter are even mocked as too poor to be called poor (6.2). In philosophical/ethical writing, it is not uncommon for poverty to be praised as representing a freedom from the dependence on material goods that afflicts the wealthy (6.3; cf. 6.9). This reflects the nature of our sources, who would not consider themselves 'poor' (except in relation to their peers), and whose attitude to the poor is very much based on the maintenance of their own status. Schemes that might appear to offer support for the underprivileged, such as Trajan's alimentary scheme or even the grain 'dole' (*annona*) at Rome, are open to all members of society and select from 'worth' rather than need (6.4, 6.5). Group solidarity meant that the wealthy would first support their own (6.6) and that their philanthropy was likely to be based on personal display rather than the result of concern for the needy (an attitude often criticised in Christian sources: cf. 6.15).

A very few among the poor might react violently, but brigandage was a short-lived response against which there would eventually be heavy reprisals (6.7; cf. 8.22, 8.25). Most obtained a living as they could, chronically underemployed and so open to exploitation in the spot labour market (6.8). While a public speaker such as Dio Chrysostom might offer negative comment on many of the occupations available to the poor, they themselves could hardly be so choosy: apart from well-paid occupations as town criers and entertainers, there were numerous opportunities in despised manual work and the sex industry (6.9). The food intake could be supplemented by public grain handouts in the larger cities or by memorial feasts; public